

of the State of Washington

DIGEST SUPPLEMENT

To Legislative Digest and History of Bills **Supplement No. 38***

FIFTY-NINTH LEGISLATURE

Thursday, March 3, 2005

53rd Day - 2005 Regular

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House Bills

HB 1359-S2 by House (originally sponsored by Representatives Darneille, Jarrett, Grant, Appleton, Kirby, Walsh, Kagi, Pettigrew, Lovick, Lantz, Campbell, Fromhold, Haigh, Priest, Kessler, Hinkle, Buck, Ormsby, Upthegrove, Dickerson, McIntire, Chase, McDermott and Holmquist)

Revising the interest rate on legal financial obligations.

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Amends RCW 10.82.090 to revise the interest rate on legal financial obligations.

-- 2005 REGULAR SESSION --

Feb 28 APP - Majority; 2nd substitute bill be substituted, do pass.

Minority; do not pass.

Mar 2 Passed to Rules Committee for second reading.

HB 1423-S by House (originally sponsored by Representatives Curtis, Linville, Clibborn and Chase)

Controlling invasive knotweed.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that the presence of invasive knotweed on public and private land threatens wildlife habitat, agricultural production, and environmental quality statewide.

Finds that invasive knotweed found on private lands is a source of renewed infestation on public lands.

Finds that it is in the public interest to protect public resources by making concerted efforts to control or contain invasive knotweed on both public and private lands statewide.

Provides that subject to the availability of amounts appropriated for this specific purpose, the state department of agriculture, in consultation with the state noxious weed control board, shall establish a program for the control or containment of invasive knotweed statewide.

Appropriates the sum of five hundred thousand dollars, or as much thereof as may be necessary, for the fiscal year ending June 30, 2006, from the general fund to the department of agriculture for the purposes of this act.

Appropriates the sum of five hundred thousand dollars, or as much thereof as may be necessary, for the fiscal year ending June 30, 2007, from the general fund to the department of agriculture for the purposes of this act.

Provides that the department of agriculture may use no more than five percent of the appropriated funds for agency administrative costs.

Declares an intent that this appropriation represents an ongoing commitment to a program to control and contain invasive knotweed and that appropriations for it will continue in the future.

Provides that, within the dollars available for administration as specified in this act, by December 1, 2006, the department of agriculture shall prepare and submit a report to the legislature documenting progress made and future recommendations for containing and controlling invasive knotweed under this program.

-- 2005 REGULAR SESSION --

Feb 25 EDAT - Majority; 1st substitute bill be substituted, do pass.

Mar 1 Referred to Appropriations.

HB 1608-S by House (originally sponsored by Representatives Grant, Holmquist, Linville, Buri, Wallace, Newhouse, Hinkle, Walsh, Quall, Kenney, Armstrong, Clements, Kristiansen, P. Sullivan, Blake, Haler, Kessler, Morrell, Chase, Skinner, McDermott and Santos)

Creating the potato commission.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that it is in the public interest that support for the potato industry be clearly expressed, that adequate protection be given to the industry, and that the industry's collective activities and operations include: (1) Enhancing the reputation and image of Washington state's potatoes and potato producers;

(2) Working to eliminate or limit impediments affecting the sale and use of Washington state's potatoes in local, domestic, and foreign markets;

(3) Protecting the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's potatoes;

(4) Increasing the public knowledge of nutritional value, health-giving qualities, and dietetic value of Washington state's potatoes and products; and

(5) Supporting and engaging in programs or activities that benefit the planting, production, harvesting, handling, processing, transportation, trade, and use of potatoes produced in Washington state.

Declares that it is a misdemeanor for: (1) Any person willfully to violate any provision of this act;

(2) Any person willfully to render or furnish a false or fraudulent report, statement of record required by the commission under this act, or any rule of the commission or rule of the department adopted under this act, or willfully to fail or refuse to furnish or render any such report, statement, or record so required.

Declares that the potato commission established in chapter 16-516 WAC is hereby abolished and its powers, duties, and functions are hereby transferred to the potato commission created in this act.

-- 2005 REGULAR SESSION --

- Feb 25 EDAT Majority; 1st substitute bill be substituted, do pass.
- Mar 1 Passed to Rules Committee for second reading.
- Mar 2 Placed on second reading by Rules Committee.

HB 1622-S by House (originally sponsored by Representatives P. Sullivan, Crouse and Morris)

Regulating liquified petroleum gas. Revised for 1st Substitute: Regulating liquefied petroleum gas.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that a person, other than the owner of a liquified petroleum gas container or a person authorized in writing by the owner, may not: (1) Fill or refill a liquified

petroleum gas container with liquified petroleum gas or any other gas or compound; or

(2) Deface, erase, obliterate, cover up, or otherwise remove or conceal any name, mark, initial, or device on a liquified petroleum gas container.

Does not apply to cylinders.

Declares that a person violating this act is subject to a one thousand dollar fine payable to the county where the violation occurs.

Declares that it is a violation of the consumer protection act, chapter 19.86 RCW, to charge a clearly excessive price per MBtu of liquefied petroleum gas to a person who owns their own liquefied gas container, or to charge more than a reasonable inspection fee in refilling such a container.

-- 2005 REGULAR SESSION --

Feb 24 TEC - Majority; 1st substitute bill be substituted, do pass.

Feb 28 Referred to Appropriations.

HB 1696-S by House (originally sponsored by Representatives Blake, Buck, Takko, Holmquist, McCune, Condotta, Hinkle and B. Sullivan)

Increasing penalties for the violation of certain fish and wildlife provisions.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Increases penalties for the violation of certain fish and wildlife provisions.

Creates the fish and wildlife enforcement reward account in the custody of the state treasurer. All receipts from criminal wildlife penalty assessments under RCW 77.15.420 must be deposited into the account.

Provides that expenditures from the account may be used only for investigation and prosecution of fish and wildlife offenses, to provide rewards to persons informing the department about violations of Title 77 RCW and rules adopted under Title 77 RCW, and for other valid enforcement uses as determined by the commission. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Provides that a person is guilty of unlawful recreational fishing in the first degree if the person fishes for or possesses a fish listed as threatened or endangered in 50 C.F.R. Sec. 17.11 (2002), unless fishing for or possession of such fish is specifically allowed under federal or state law.

Provides that, upon conviction of an offense involving killing or possession of big game taken during a period of time when hunting for the particular species is not permitted, or in excess of the bag or possession limit, the department shall revoke all hunting licenses and tags and order a suspension of hunting privileges for two years.

-- 2005 REGULAR SESSION --

Feb 24 NREP - Majority; 1st substitute bill be substituted, do pass.

Mar 1 Referred to Appropriations.

HB 1831-S by House (originally sponsored by Representatives Kretz, Blake, Grant, Buri, Holmquist, B. Sullivan, Orcutt, Serben, McCune, Sump, Cox, Walsh, Clements, Roach, Linville, Newhouse, Haler and Pearson)

Providing compensation for loss of livestock caused by wildlife. Revised for 1st Substitute: Concerning damage to livestock.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that "commercial livestock" means cattle, sheep, and horses held or raised by a person for sale, trade, or barter, and from which the person derives an annual income from the sales of the animals in excess of ten thousand dollars.

Declares that "predatory wildlife" means bears and cougars.

Provides that, pursuant to this act, the director or the director's designee may distribute money appropriated to reimburse the owner of commercial livestock that has been killed by predatory wildlife, or injured by predatory wildlife to such a degree that the commercial value of the commercial livestock has been diminished. Each individual animal represents one claim, and each claim must be paid the fair market value of the killed or injured animal as determined by the director upon recommendation of the department of agriculture.

-- 2005 REGULAR SESSION --

Feb 24 NREP - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Mar 1 Referred to Appropriations.

HB 1847-S by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, McDermott, Jarrett, Miloscia, Nixon, Green, Wallace and Hunt)

Changing administrative oversight of the code reviser's office. Revised for 1st Substitute: Changing the membership of the statute law committee.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Creates a permanent statute law committee consisting of nine members as follows: (1) The secretary of the senate, ex officio;

- (2) An attorney staff member of the senate appointed by the leader of the second largest caucus of the senate;
- (3) The chief clerk of the house of representatives, ex officio;
- (4) An attorney staff member of the house of representatives appointed by the leader of the second largest caucus of the house of representatives;
- (5) The staff director of the nonpartisan professional committee staff of the senate, ex officio;
- (6) The staff director of the nonpartisan professional committee staff of the house of representatives, ex officio;
- (7) A lawyer admitted to practice in this state, appointed by the board of governors of the Washington State Bar Association;
- (8) A judge of the supreme court or a lawyer who has been admitted to practice in this state, appointed by the chief justice of the supreme court; and
- (9) A lawyer staff member of the governor's office or a state agency, appointed by the governor.

Requires such initial appointments to be made within thirty days of the effective date of this act.

-- 2005 REGULAR SESSION --

Feb 25 SGOA - Majority; 1st substitute bill be substituted, do pass.

Mar 1 Passed to Rules Committee for second reading.

Mar 2 Placed on second reading by Rules Committee.

HB 1883-S by House (originally sponsored by Representatives McCoy, Pearson, Eickmeyer, Upthegrove and Haigh)

Providing for collection of oral histories about Hood Canal.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that the factors contributing to Hood Canal's low dissolved oxygen problems are complex and that investigation is needed to understand both the problem and its potential solutions.

Finds that a historical perspective is important in understanding Hood Canal's problems.

Recognizes the tribal elders and other long-term residents of the Hood Canal area are a great source of knowledge regarding the history of Hood Canal.

Finds these tribal elders and others may provide critical insight into the history, impacts, and potential causes of the low dissolved oxygen concentrations occurring in Hood Canal

Declares an intent to initiate a process for university students to interview tribal elders and others who have knowledge of the history of conditions along Hood Canal to collect information regarding the history and impacts of Hood Canal's low dissolved oxygen concentrations.

Declares an intent that these interviews and the information learned be preserved as part of the state's oral history program.

Directs The Evergreen State College to administer and conduct a program to record and document oral histories of tribal elders of the tribes in the area surrounding Hood Canal and other long-term residents of the Hood Canal area who have similar knowledge of the history of the conditions along Hood Canal. The purpose of these interviews is to collect information and perspectives regarding the history of the conditions along Hood Canal, including but not limited to reports of fish kills, changes in marine species behavior, fishing and harvesting histories, and other conditions related to the environmental health of Hood Canal.

Appropriates the sum of twenty thousand dollars, or as much thereof as may be necessary, from the general fund to The Evergreen State College for the fiscal year ending June 30, 2007, to carry out the purposes of this act.

Expires July 1, 2008.

-- 2005 REGULAR SESSION --

HOOD - Majority; 1st substitute bill be Feb 24 substituted, do pass.

Mar 1 Passed to Rules Committee for second reading.

Made eligible to be placed on second Mar 2 reading.

HB 1894-S by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Chase, Strow, Williams, Kirby, Ericks, Ormsby, Morrell and Haigh)

Placing restrictions on the marketing or merchandising of credit cards to students at the state's institutions of higher education.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires institutions of higher education to each develop official credit card marketing policies. The process of development of these policies must include consideration of student comments. The official credit card marketing policies must, at a minimum, include consideration of and decisions regarding: (1) The registration of credit card marketers;

- (2) Limitations on the times and locations of credit card marketing; and
- (3) Prohibitions on material inducements to complete a credit card application unless the student has been provided credit card debt education literature, which includes, but is not limited to, brochures of written or electronic information.

Requires the policies to include the following elements: A requirement for credit card marketers to inform students about good credit management practices through programs developed in concert with the institution of higher education; and a requirement to make the official credit card marketing policy available to all students upon their request.

-- 2005 REGULAR SESSION --

Feb 24 FII - Majority; 1st substitute bill be substituted, do pass. Minority; do not pass.

Mar 1 Passed to Rules Committee for second reading.

HB 1895-S by House (originally sponsored by Representatives Morris, Hudgins, McCoy and B. Sullivan)

Modifying duties of the joint committee on energy supply and energy conservation.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares an intent to utilize lessons learned from efforts to conserve energy usage in single state buildings or complexes and extend conservation measures across all levels of government. Implementing conservation measures across all levels of government will create actual energy conservation savings, maintenance and cost savings to state and local governments, and savings to the state economy, which depends on affordable, realizable electricity to retain jobs.

Declares an intent that conservation measures be implemented across all levels of government and that the savings created from implementing conservation measures be retained to produce more efficient government operation.

-- 2005 REGULAR SESSION --

Feb 24 TEC - Majority; 1st substitute bill be substituted, do pass. Minority; without recommendation.

Referred to Capital Budget. Mar 1

HB 1995-S by House Committee on Capital Budget (originally sponsored by Representatives Lantz, Skinner, Hunt, Moeller and Upthegrove)

Concerning historic public facilities.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that the purpose of this act is to provide authority and direction for the care and stewardship of the public and historic facilities of the state capitol, to facilitate public access, use, and enjoyment of these assets, and to carefully preserve them for the benefit of future generations.

-- 2005 REGULAR SESSION --

Feb 28 CB - Majority; 1st substitute bill be substituted, do pass.

Mar 2 Passed to Rules Committee for second reading.

HB 2029-S by House Committee on Judiciary (originally sponsored by Representatives Kagi, Hinkle, Darneille, Williams, Haler, Rodne, Kirby, Pettigrew, Chase and Kenney; by request of Office of Public Defense)

Requiring the director of the office of public defense to oversee and monitor legal representation of parents in dependency and termination proceedings.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, subject to the availability of funds, the office shall oversee and monitor dependency and termination legal representation for parents statewide. The goal shall be to enhance the quality of legal representation in dependency and termination hearings. To meet this goal, attorneys and agencies providing such representation shall comply with the following: (1) Meet maximum caseload requirements for dependency and termination cases, in accordance with standards published by the office of public defense;

(2) Implement enhanced defense attorney practice standards published by the office of public defense, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice; and

(3) Use investigative and expert services in appropriate cases.

-- 2005 REGULAR SESSION --

Feb 25 JUDI - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Feb 28 Referred to Appropriations.

HB 2037-S by House Committee on Education (originally sponsored by Representatives Upthegrove, Santos, Kenney, Hudgins, B. Sullivan, McCoy, Roberts and Hasegawa)

Regarding academic achievement for immigrant students.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares an intent to support immigrant students who are eligible for the state's transitional bilingual program to continue to pursue a high school diploma beyond the twelfth grade by enrolling in an integrated program of academic and

language skills development that is offered by a community college or technical college.

Requires that, by no later than the beginning of the 2006-07 school year, the state board for community and technical colleges and the office of the superintendent of public instruction shall design one or more options to address the educational needs of recent immigrant high school students.

Provides that, beginning with the 2006-07 school year, the superintendent of public instruction and the state board for community and technical colleges shall pilot the approach described in this act. The pilot shall include at least two school districts, one east of the mountains and one west of the mountains. The pilot will also include a focus on two different types of recent immigrants, one group of students who do not share a common first language, and one group of students who do.

Provides that, by December 15, 2007, the superintendent of public instruction and state board for community and technical colleges shall report to the appropriate policy and fiscal committees of the legislature on the status of the pilots required in this act. The report shall include any recommendations for statewide implementation of the approach in the pilot and any additional options, including coenrollment options, identified by the superintendent and the board. The board and superintendent shall begin statewide implementation of the options required in this act in the 2008-09 school year.

Creates the joint select committee on immigrant education.

Directs the joint select committee to report its findings and recommendations, by December 15, 2005, to the governor, the house of representatives and senate fiscal and education committees, the superintendent of public instruction, the state board of education, the professional educator standards board, and the higher education coordinating board.

Provides that legislative members of the joint select committee shall receive per diem and travel as provided in RCW 44.04.120.

-- 2005 REGULAR SESSION --

Feb 24 ED - Majority; 1st substitute bill be substituted, do pass.

Mar 2 Referred to Appropriations.

HB 2081-S by House (originally sponsored by Representatives Eickmeyer, McCoy, Chase, Appleton and Haigh)

Creating an aquatic rehabilitation zone designation as a framework for Hood Canal recovery programs.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that a need exists for the state to take action to address Hood Canal's low-dissolved oxygen concentrations. Also finds establishing an aquatic rehabilitation zone for Hood Canal will serve as a statutory framework for future regulations and programs directed at recovery of this important aquatic resource.

Declares an intent to establish an aquatic rehabilitation zone for Hood Canal as the framework to address Hood Canal's low-dissolved oxygen concentrations. Also intends to incorporate provisions in the new statutory chapter creating the designation as solutions are identified regarding this problem.

Establishes aquatic rehabilitation zone one. Aquatic rehabilitation zone one includes all watersheds that drain to

Hood Canal south of a line projected from Tala Point in Jefferson county to Foulweather Bluff in Kitsap county.

-- 2005 REGULAR SESSION --

Feb 24 HOOD - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Mar 1 Passed to Rules Committee for second reading.

Mar 2 Made eligible to be placed on second reading.

HB 2267 by Representative B. Sullivan

Providing guidelines for the issuance and renewal of a geoduck diver license and requiring harvesters to help reseed state commercial beds.

Provides guidelines for the issuance and renewal of a geoduck diver license and requiring harvesters to help reseed state commercial beds.

Provides that, after July 1, 2005, the director may not issue new geoduck diver licenses unless fewer than fifty persons are eligible for renewal. A person may renew an existing license only if the person: (1) Held a geoduck diver license in 2004; and (a) Held a geoduck diver license in 2001 and 2002; or (b) held a geoduck diver license for five of the ten years from 1994 through 2003; and

(2)(a) Can document active diving participation by way of dive sheet records, canceled checks, and conformation by the department; or (b) acquired the license by transfer from another person who held it during the previous year, and the person did not subsequently transfer the license to a third party.

Provides that, if fewer than fifty persons are eligible to renew a geoduck diver license, the director may accept applications for new licenses.

-- 2005 REGULAR SESSION --

Mar 2 First reading, referred to Natural Resources, Ecology & Parks.

HB 2268 by Representative B. Sullivan

Concerning the commercial harvest of geoduck clams.

Amends RCW 77.60.070 relating to the commercial harvest of geoduck clams.

-- 2005 REGULAR SESSION --

Mar 2 First reading, referred to Natural Resources, Ecology & Parks.

HB 2269 by Representatives Springer and Newhouse

Changing provisions relating to construction liability.

Amends RCW 4.16.300 to clarify the persons covered by the statute.

-- 2005 REGULAR SESSION --

Mar 2 First reading, referred to Judiciary.

HB 2270 by Representatives McIntire and Murray

Exempting payment for certain services provided by public development authorities from business and occupation taxation.

Exempts payment for certain services provided by public development authorities from business and occupation taxation.

-- 2005 REGULAR SESSION --

Mar 2 First reading, referred to Finance.

HB 2271 by Representatives Miloscia, McDermott, Moeller and Kenney

Extending employment opportunities for people with disabilities.

Extends employment opportunities for people with disabilities to December 31, 2009.

-- 2005 REGULAR SESSION --

Mar 2 First reading, referred to State Government Operations & Accountability.

HB 2272 by Representatives Condotta, Armstrong, Hinkle, Roach, Newhouse, Sump, Curtis, Shabro, Kretz, Kristiansen, Anderson, Dunn and Holmquist

Requiring compensation for land use decisions that reduce property value.

Provides that if an agency enacts or enforces a new regulation or enforces a regulation enacted prior to the effective date of this act that restricts the use of private real property, or any interest therein, and has the effect of reducing the fair market value of the property, or any interest therein, then the owner of the property shall be paid just compensation.

Declares that just compensation shall be equal to the reduction in the fair market value of the affected property interest resulting from enactment or enforcement of the regulation as of the date the owner makes a written demand for compensation under this act.

Provides that claims made under this act shall be paid from funds, if any, specifically allocated by the legislature, local governmental authority, or the agency for payment of claims under this act.

-- 2005 REGULAR SESSION --

Mar 2 First reading, referred to Judiciary.

HB 2273 by Representatives Simpson, Roach, Williams, Ericks, McDonald, P. Sullivan, Hasegawa, Sells, Roberts, McCoy, Hunt, Morrell, Upthegrove and Moeller

Conforming Washington's tax structure to the streamlined sales and use tax agreement.

Conforms Washington's tax structure to the streamlined sales and use tax agreement.

-- 2005 REGULAR SESSION --

Mar 2 First reading, referred to Finance.

House Concurrent Resolutions

HCR 4406-S by House (originally sponsored by Representatives Williams, Buck, Moeller, Hinkle, B. Sullivan, Linville and Takko)

Establishing a joint select legislative task force to review watershed health and salmon recovery plans. Revised for 1st Substitute: Creating the joint select legislative task force on watershed management and salmon recovery.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Establishes a joint select legislative task force to review watershed health and salmon recovery plans.

-- 2005 REGULAR SESSION --

Feb 24 NREP - Majority; 1st substitute bill be substituted, do pass.

Mar 1 Passed to Rules Committee for second reading.

Senate Bills

SB 5125-S2 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Poulsen, Keiser, Franklin, Fraser, Kline and Pridemore)

Reducing heavy metals in child use area soils.

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Declares it is the purpose of this act to create the safe playground soils program, through which technical and financial assistance will be provided by state and local health jurisdictions to the owners and operators of facilities having child use areas that may contain soils with elevated levels of heavy metals. It is further the purpose of this act to encourage testing of soils in such areas, and to require testing in geographic zones at higher risk of soil contamination.

Declares that the objective of this program is to obtain comprehensive information on the presence of heavy metals in child use areas, and to ensure that such information is made available to, and in some circumstances specifically provided to, the parents of children attending or using the facility, and the staff that work at the facility. It is the underlying premise of this program that comprehensive and quality data and analysis, shared with all interested persons, will be the basis for timely and effective response measures to protect the health of children.

Provides that the department shall make grants to owners of facilities with child use areas for the purpose of testing soils within those areas for the presence of heavy metals. The department shall actively publicize the grant program and solicit applications for grants with the objective of obtaining soil test results expeditiously and implementing best management practices where action level exceedances are found.

Provides that, to encourage early testing, for the period from the effective date of this section through June 30, 2007, the amount of the nonstate match required for the grant shall

be limited to ten percent of the grant amount. From and after July 1, 2007, the nonstate match shall be no less than fifty percent of the grant amount.

Declares that the following geographic areas are designated higher risk zones for potential soil contamination by heavy metals: (1) The area of potential heavy metal deposition to soils from the Tacoma smelter, generally encompassing portions of King, Pierce, Kitsap, and Thurston counties, and referred to as the Asarco smelter plume zone. The department shall define this zone based upon existing information no later than October 1, 2005;

(2) Any other geographic area that is defined by a local health jurisdiction as having a high probability of encompassing child use areas with the presence of heavy metals in playground soils exceeding action levels.

Directs the department to establish an enforcement forbearance policy regarding owners of facilities implementing best management practices at child use areas under chapter 70.-- RCW (sections 1 through 9 of this act).

Provides that, by July 1, 2007, the department shall adopt as a condition of licensing day-care centers and family day-care providers that the facility is in compliance with applicable testing requirements and implementation of best management practices under chapter 70.-- RCW (sections 1 through 9 of this act).

Appropriates the sum of one million dollars, or as much thereof as may be necessary, from the state toxics control account to the department of ecology for the biennium ending June 30, 2007, to carry out the purposes of this act.

-- 2005 REGULAR SESSION --

Feb 28 WM - Majority; 2nd substitute bill be substituted, do pass.
Minority; do not pass.
Minority; without recommendation.
Passed to Rules Committee for second reading.

SB 5184-S by Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin, Carrell, Brandland, Regala and Rasmussen)

Authorizing reimbursement for law enforcement service costs. Revised for 1st Substitute: Authorizing reimbursement for law enforcement service costs related to state hospitals.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that state hospitals provide benefits to local communities but also impose a financial burden on the cities and towns responsible for providing law enforcement services to those state hospitals.

Declares an intent to establish a process whereby cities and towns can enter into law enforcement contracts with the department of social and health services to partially defray the jurisdiction's law enforcement costs associated with providing these services.

Provides that, when a state hospital is located within the corporate limits of a city or town that has recurring law enforcement costs associated with responding to actions of residents of the state hospital, at the request of the city or town the department shall contract with the city or town to pay an equitable share for law enforcement services.

States that the department may not agree to reimburse the city or town for more than one-half of the cost for law enforcement services provided by the city or town, as determined in the contract. Reimbursement shall be limited to funds available.

-- 2005 REGULAR SESSION --

Feb 28 HSC - Majority; 1st substitute bill be substituted, do pass.
And refer to Ways & Means.
Referred to Ways & Means.

SB 5204-S by Senate Committee on Judiciary (originally sponsored by Senators Brandland, Kastama, Sheldon, Rasmussen, Spanel, Hargrove and Shin)

Modifying the chattel lien process.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that any owner of property subject to a recorded claim of lien under chapter 60.08 RCW, or contractor, subcontractor, lender, or lien claimant who believes the claim of lien to be frivolous and made without reasonable cause, or clearly excessive may apply by motion to the superior court for the county where the property is located, for an order directing the lien claimant to appear before the court at a time no earlier than six nor later than fifteen days following the date of service of the application and order on the lien claimant, and show cause, if any he or she has, why the relief requested should not be granted.

Requires the motion to state the grounds upon which relief is asked, and shall be supported by the affidavit of the applicant or his or her attorney setting forth a concise statement of the facts upon which the motion is based.

Provides that the department of licensing, and the department's agents and subagents, shall not transfer title of a vehicle through the chattel lien process under chapter 60.08 RCW and chapter 60.10 RCW unless an affidavit of sale and the following documentation is submitted: (1) A certified copy of the lien filing that is filed with the county auditor;

(2) A copy of the letter, sent by the lien claimant via first class mail, and certified or registered mail, including the return receipt, to the address of the current registered owner notifying the current registered owner of the lien filing; and

(3) An affidavit of service by mail.

-- 2005 REGULAR SESSION --

Feb 25 JUD - Majority; 1st substitute bill be substituted, do pass.
 Feb 28 Passed to Rules Committee for second reading.
 Mar 1 Made eligible to be placed on second reading.

SB 5366-S by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Schoesler, Prentice, Sheldon, Honeyford, Haugen and Delvin)

Regulating movement of older mobile homes. Revised for 1st Substitute: Regulating older mobile homes.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, for mobile homes constructed before June 15, 1976, and already situated in the state, a certification from the department of labor and industries that the mobile home was inspected for fire safety, or an affidavit in the

form prescribed by the department of community, trade, and economic development signed by the owner stating that the mobile home is being moved by the owner for his or her continued occupation or use.

Requires that, by January 1, 2006, the department of labor and industries shall also adopt procedures for notifying destination local jurisdictions concerning the arrival of mobile homes that failed safety inspections.

Requires that, if the mobile home was manufactured prior to June 15, 1976, the registered owner must sign an affidavit in the form prescribed by the department of licensing that notice was provided to the purchaser of the mobile home that failure of the mobile home to meet federal housing and urban development standards or failure of the mobile home to meet a fire and safety inspection by the department of labor and industries may result in denial by a local jurisdiction of a permit to site the mobile home.

-- 2005 REGULAR SESSION --

Feb 25 FHC - Majority; 1st substitute bill be substituted, do pass.
And refer to Ways & Means.
Feb 28 Referred to Ways & Means.

SB 5368-S by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Benton, Kastama, Thibaudeau, Franklin, McAuliffe and Rasmussen)

Modifying the nurse mandatory overtime prohibition.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises the mandatory overtime prohibition applicable to nurses, but only with respect to increasing the types of health care facilities that are subject to the prohibition from requiring nurses to perform overtime work.

-- 2005 REGULAR SESSION --

Feb 28 HEA - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Minority; without recommendation.
And refer to Ways & Means.

Mar 1 Referred to Ways & Means.

SB 5372-S by Senate Committee on Government Operations & Elections (originally sponsored by Senators Berkey, Fairley, Pridemore, Roach and Johnson)

Requiring notice to water and sewer districts of changes that require relocating facilities. Revised for 1st Substitute: Requiring coordination between local government and public utilities in the design and relocation of water and sewer systems.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires counties and cities to, in the predesign phase of construction projects involving the relocation of either water or sewer facilities, or both, consult with public utilities operating either water or sewer systems, or both, in order to coordinate design.

-- 2005 REGULAR SESSION --

Feb 28 GO - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Passed to Rules Committee for second reading.

SB 5385-S by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Oke, Fraser, Swecker and Kline)

Creating the Washington invasive species council.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that the purpose of the Washington invasive species council is to provide policy level direction, planning, and coordination for combating harmful invasive species throughout the state and preventing the introduction of others that may be potentially harmful.

Declares that the Washington invasive species council is a joint effort between local, tribal, state, and federal governments, as well as the private sector and nongovernmental organizations. The purpose of the Washington invasive species council is to foster cooperation, communication, and coordinated approaches that support local, state, and regional initiatives for the prevention and control of invasive species.

Requires the Washington invasive species council to develop and periodically update a statewide strategic plan for addressing invasive species.

Requires the invasive species council to submit an annual report of its activities to the governor and the relevant policy committees of the senate and house of representatives by December 15th of each year. The annual report must include an evaluation of progress made in the preceding year to implement or carry out the strategic plan and an identification of projects from the strategic plan that will be a focus for the following year.

-- 2005 REGULAR SESSION --

Feb 25 NROR - Majority; 1st substitute bill be substituted, do pass.

Feb 28 On motion, referred to Ways & Means.

SB 5455-S by Senate Committee on International Trade & Economic Development (originally sponsored by Senators Mulliken and Rockefeller)

Promoting economic revitalization. Revised for 1st Substitute: Creating a program to promote downtown and neighborhood commercial district revitalization.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds: (1) The continued economic vitality of downtown and neighborhood commercial districts in our state's cities is essential to community preservation, social cohesion, and economic growth;

(2) In recent years there has been a deterioration of downtown and neighborhood commercial districts in both rural and urban communities due to a shifting population base, changes in the marketplace, and greater competition from suburban shopping malls, discount centers, and business transacted through the internet;

(3) This decline has eroded the ability of businesses and property owners to renovate and enhance their commercial and residential properties; and

(4) Business owners in these districts need to maintain their local economies in order to provide goods and services to adjacent residents, to provide employment opportunities, to avoid disinvestment and economic dislocations, and to develop and sustain downtown and neighborhood commercial district revitalization programs to address these problems.

Declares an intent to establish a program to: (1) Work in partnership with these organizations;

- (2) Provide technical assistance and training to local governments, business organizations, downtown and neighborhood commercial district organizations, and business and property owners to accomplish community and economic revitalization and development of business districts; and
- (3) Certify a downtown or neighborhood commercial district organization's use of available tax incentives.

Creates the Washington main street program within the department.

-- 2005 REGULAR SESSION --

Feb 25 ITED - Majority; 1st substitute bill be substituted, do pass.

And refer to Ways & Means.

Feb 28 Referred to Ways & Means.

SB 5458-S by Senate Committee on Government Operations & Elections (originally sponsored by Senators Shin, Schmidt, Regala, Berkey and Jacobsen)

Increasing the surcharge for the preservation of historical documents.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Increases the surcharge for the preservation of historical documents from two to four dollars.

Requires that one dollar of the surcharge shall be deposited in the county general fund to be used at the discretion of the county commissioners to promote historical preservation or historical programs, which may include preservation of historic documents.

-- 2005 REGULAR SESSION --

Feb 25 GO - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Feb 28 Passed to Rules Committee for second reading.

SB 5470-S by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Thibaudeau, Keiser, Kline, Poulsen, Berkey, Haugen, McAuliffe, Rockefeller, Shin and Kohl-Welles; by request of Governor Gregoire)

Allowing the importation of certain prescription drugs from Canadian wholesalers. Revised for 1st Substitute: Allowing the importation of certain prescription drugs from nondomestic wholesalers.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires that, by September 1, 2005, the board shall, in consultation with the department and the health care authority, submit a waiver request to the federal food and drug administration that will authorize the state of Washington to license Canadian, United Kingdom, Irish, and other nondomestic prescription drug wholesalers under RCW 18.64.046, thereby providing retail pharmacies licensed in Washington state the opportunity to purchase prescription drugs from approved wholesalers and pass those savings on to consumers.

Provides that, by December 1, 2005, the board, in consultation with the department and the health care authority, shall submit a detailed implementation plan to the governor and appropriate committees of the legislature that details the mechanisms that the board will use to implement each component of the waiver under this act.

-- 2005 REGULAR SESSION --

Feb 28 HEA - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Passed to Rules Committee for second

reading.

SB 5476-S by Senate Committee on Judiciary (originally sponsored by Senators Kline, Brandland, Fairley, Esser, Kastama, Shin, Pridemore, Weinstein, Haugen, Berkey, Prentice, Rockefeller and Kohl-Welles)

Creating advisory sentence ranges.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares an intent to restore the ability to impose an aggravated sentence lost by the superior court as a result of the decision of the United States supreme court in *Blakely v. State of Washington*, 542 U.S. ... (2004).

Finds that as the seriousness level of the crime and the criminal history of the offender increase, the need for an individualized and informed assessment of the circumstances of the crime, the offender, and the victim, by the judiciary, is necessary for justice to be obtained.

Finds that the exercise of the judiciary's sentencing discretion over a broader range based upon the assessment of these circumstances is consistent with the policies supporting Washington's sentencing reform act.

Provides that, for offenders convicted of a violent offense, the upper limit of the standard sentencing range shall be advisory only. Notwithstanding any other provision of law, the maximum sentence that a court may impose for a violent offense is the maximum sentence for the current offense under chapter 9A.20 RCW, or twice the upper limit of the standard sentencing range, whichever is less. This provision shall not apply to any offender sentenced under RCW 9.94A.712.

Requires that, in making its determination of the sentence length to be imposed, the court shall consider the risk assessment prepared by the department of corrections, the presentence report and other materials provided by the offender, and any information provided by the victim or victims of the crime.

Declares that a sentence imposed under this act shall be a determinate sentence unless it is imposed on an offender sentenced under RCW 9.94A.712. The sentence may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

-- 2005 REGULAR SESSION --

Feb 25 JUD - Majority; 1st substitute bill be substituted, do pass.

Feb 28 On motion, referred to Ways & Means.

SB 5502-S by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Delvin and Regala)

Revising juvenile sentencing alternatives.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that an offender is ineligible for the mental health disposition option under RCW 13.40.167 if: (1) The offense for which this disposition is being considered is an A+ offense;

(2) The offense for which this disposition is being considered is: (a) A class A or A- offense, or an attempt, conspiracy, or solicitation to commit a class A or A- offense; (b) manslaughter in the first degree (RCW 9A.32.060); or (c) any of the following offenses, when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon: Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), or manslaughter 2 (RCW 9A.32.070);

(3) Ordered to serve a disposition for a firearm violation under RCW 13.40.193.

-- 2005 REGULAR SESSION --

Feb 28 HSC - Majority; 1st substitute bill be substituted, do pass.
Passed to Rules Committee for second

reading.

SB 5511-S by Senate Committee on Judiciary (originally sponsored by Senators Shin, Esser, Rockefeller, Carrell, Mulliken and Benson)

Extending liability immunity to certain skate parks that charge a nominal fee.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that a public or private nonprofit owner or operator of a skate park may charge a nominal fee of no more than five dollars per day for the use of a skate park where the fees are devoted solely to providing supervision of the use and maintenance of the skate park facility. For purposes of this act, "skate park" means an indoor or outdoor ramp, course, or area specifically designated for the exclusive recreational or sporting use of skateboards, bicycles, scooters, or roller skates.

-- 2005 REGULAR SESSION --

Feb 25 JUD - Majority; 1st substitute bill be substituted, do pass.

Feb 28 Passed to Rules Committee for second reading.

SB 5542-S by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Hargrove, Zarelli, Benson, Delvin, Schoesler and Benton)

Authorizing alternative detention and rehabilitation facilities. Revised for 1st Substitute: Authorizing special detention facilities.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires a city or county to establish an objective classification system to determine those persons eligible for a special detention facility. The city or county and its employees are immune from civil liability for damages caused by individual eligibility decisions, unless the city, county, or its employees acted with gross negligence or in bad faith.

Authorizes a city or county to establish and maintain alternative supervision or rehabilitation programs, other than those authorized in RCW 70.48.090, within the special detention facility.

-- 2005 REGULAR SESSION --

Feb 28 HSC - Majority; 1st substitute bill be substituted, do pass.
Minority; without recommendation.
And refer to Ways & Means.
Referred to Ways & Means.

SB 5577-S by Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Fairley, Keiser, Kline, Fraser, Poulsen and Kohl-Welles)

Making available relocation assistance payments to tenants.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that the purpose of this act is to establish a process by which displaced tenants would receive funds for relocation from landlords who fail to provide safe and sanitary housing after due notice of building code or health code violations.

Declares that it is also the purpose of this act to provide enforcement mechanisms to cities, towns, counties, or municipal corporations including the ability to advance relocation funds to tenants who are displaced as a result of a landlord's failure to remedy building code or health code violations and later to collect the full amounts of these relocation funds, along with interest and penalties, from landlords.

Provides that a landlord shall not be required to pay relocation assistance to any displaced tenant in a case in which the condemnation or no occupancy order affects one or more dwelling units and results from conditions arising from a tenant's or any third party's illegal conduct without the landlord's prior knowledge.

Provides that a landlord shall not be required to pay relocation assistance to any displaced tenant in a case in which the condemnation or no occupancy order affects one or more dwelling units and results from conditions arising from a natural disaster such as, but not exclusively, an earthquake, tsunami, wind storm, or hurricane.

-- 2005 REGULAR SESSION --

Feb 25 FHC - Majority; 1st substitute bill be substituted, do pass.

Feb 28 Passed to Rules Committee for second reading.

SB 5602-S by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen and Schoesler; by request of Department of Agriculture)

Managing livestock nutrients.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Applies to all operations that meet the definition of an animal feeding operation.

Creates specific permit requirements consistent with the federal CAFO rule for all defined or designated concentrated animal feeding operations.

Provides that all dairies are required to implement nutrient management plans and perform certain reporting.

Declares that AFOs that are not CAFOs or dairies are not required to obtain permit coverage or have a plan under this act. However, no AFO is allowed to pollute waters of the state, and all AFOs may be inspected by the department under this act.

Authorizes the department to coordinate with Washington State University, the conservation commission, conservation districts, the department of ecology, other federal, state, and local agencies, and private organizations and individuals in implementing an education program for improvement of nutrient management by dairies, AFOs, and CAFOs and to prevent livestock nutrients from degrading the quality of waters of the state. The department may refer livestock producers to conservation districts, Washington State University, and other entities for educational programs, technical assistance, or financial assistance.

Provides that conservation districts may, at the request of a livestock producer, provide technical or financial assistance in developing or revising and implementing the producer's livestock nutrient management plan.

Requires the director to establish a livestock nutrient management program advisory committee including members representing the livestock industry; the environmental community; local, state, and federal agencies; and other entities as deemed appropriate.

Declares that it is unlawful for any person regulated by this act to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise discharged into such waters any organic or inorganic matter, including livestock nutrients, that shall cause or tend to cause pollution of such waters according to the determination of the department, as provided for in this act.

Provides that the department, with the assistance of the attorney general, is authorized to bring any appropriate action at law or in equity, including action for injunctive relief, in the name of the people of the state of Washington as may be necessary to carry out this act.

Řepeals RCW 90.64.015, 90.64.017, 90.64.070, 90.64.080, 90.64.130, 90.64.140, 90.64.160, and 90.64.800.

-- 2005 REGULAR SESSION --

Mar 1 ARED - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 5620-S by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kline, Mulliken, Pridemore, Kastama, Poulsen, Rockefeller, Fairley and Kohl-Welles)

Providing for priority consideration of voluntary buffers in open space plans and public benefit rating systems. Revised for 1st Substitute: Providing for priority consideration for lands used as buffers in planning.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that county legislative authorities, in open space plans, public benefit rating systems, and assessed valuation schedules, shall give priority consideration to lands used for buffers that are planted with or primarily contain native vegetation.

Declares that "priority consideration" as used in this act may include, but is not limited to, establishing classification eligibility and maintenance criteria for buffers meeting the requirements of this act.

Requires county legislative authorities to meet the requirements of this act no later than July 1, 2006, unless buffers already receive priority consideration in the existing open space plans, public benefit rating systems, and assessed valuation schedules.

-- 2005 REGULAR SESSION --

Mar 1 GO - Majority; 1st substitute bill be substituted, do pass.
 Minority; without recommendation.
 Passed to Rules Committee for second reading.

SB 5644-S by Senate Committee on Judiciary (originally sponsored by Senators Kline, Roach, Benton, Esser, Prentice, Shin, McAuliffe, Haugen, Fairley, Hargrove and Rasmussen)

Extending the stay on driver's license suspensions pending entry of a deferred prosecution.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Amends RCW 46.20.308 to extend the stay on driver's license suspensions pending entry of a deferred prosecution.

Provides that the stay shall not be longer than one hundred fifty days after the date charges are filed, or two years after the date of the arrest, whichever time period is shorter.

-- 2005 REGULAR SESSION --

Feb 28 JUD - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 5672-S by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Jacobsen, Esser, Poulsen, Benson and Swecker)

Regulating commercial parking businesses.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that a commercial parking business may not charge a parking charge unless a sign is conspicuously posted on the parking lot that clearly indicates: (1) The times and circumstances in which a parking charge will be charged;

- (2) The amount of the parking charge, a schedule of hourly or daily rates, or a schedule of parking charges for different circumstances or durations; and
- (3) The name, telephone number, and address of the commercial parking business.

Declares that a sign is "conspicuously posted" for the purposes of this act only when the sign: (1) Is clearly visible at all times, including after dark, to a person seated in the driver's seat of a vehicle fifty feet away;

- (2) Contains no information other than as is required under this act or RCW 46.55.070; and
- (3) Is in compliance with the rules adopted by the department of licensing under RCW 46.55.070.

Provides that a commercial parking business shall neither authorize nor allow: (1) The impounding of any vehicle engaged in unauthorized parking, unless: (a) The unauthorized parking constitutes a traffic hazard or obstruction; (b) a customer of the commercial parking business requests removal of a vehicle that is engaging in unauthorized parking in the customer's reserved stall at the time of the request; or (c) the commercial parking business has twice previously notified the registered owner of the vehicle pursuant to this act that the vehicle had parked without authorization at a facility owned, leased, operated, or managed by the commercial parking business; has either collected or attempted to collect, and has not waived the unauthorized parking fee in either previous instance; and has with at least one of the notices provided pursuant to this act informed the registered owner in writing that the vehicle could be subject to impound if the vehicle engaged in unauthorized parking at any of the parking business's facilities again; or

(2) The immobilization, or impound-in-place, of a vehicle that is engaging in unauthorized parking.

Provides that the registered owner of an unauthorized vehicle in a commercial parking lot is presumed to be liable for parking charges. It shall be an affirmative defense of the registered owner, provable by clear and convincing evidence, that the person who parked the vehicle at the commercial parking lot was not authorized, either actually or impliedly, by the registered owner to use or drive the vehicle.

-- 2005 REGULAR SESSION --

Feb 28 LCRD - Majority; 1st substitute bill be substituted, do pass.

Mar 1 Passed to Rules Committee for second reading.

SB 5680-S by Senate Committee on Ways & Means (originally sponsored by Senators Roach, Zarelli, Prentice, Fraser, Fairley and Rasmussen; by request of Department of Social and Health Services)

Regarding capital facilities at the Rainier school.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Amends RCW 72.01.140 relating to capital facilities at the Rainier school.

Declares an intent to transfer cognizance and control of the agricultural lands at Rainier school from Washington State University (university) back to the department of social and health services (department). These lands shall be made available for the wastewater treatment facility jointly planned by the city of Buckley and the department.

Repeals RCW 28B.30.820 and 72.01.142.

-- 2005 REGULAR SESSION --

Mar 1 WM - Majority; 1st substitute bill be substituted, do pass.

Mar 2 Passed to Rules Committee for second reading.

SB 5702-S by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Kline, Fairley, Regala, Rasmussen and McAuliffe)

Creating the developmental disabilities community trust account. Revised for 1st Substitute: Creating the Dan Thompson memorial developmental disabilities community trust account.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that all proceeds from the disposal of excess property at Lakeland Village and Rainier School that would not impact current residential habilitation center operations must be deposited into the account.

Requires that expenditures from the account shall be used exclusively to provide family support and/or employment/day services to eligible persons with developmental disabilities not receiving these services prior to January 1, 2005. It is the intent that the account should not be used to replace, supplant, or reduce existing appropriations.

Declares that the account shall be know as the Dan Thompson memorial developmental disabilities community trust account.

-- 2005 REGULAR SESSION --

Mar 1 WM - Majority; 1st substitute bill be substituted, do pass.

Mar 2 Passed to Rules Committee for second reading.

SB 5732-S by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators McAuliffe, Weinstein, Schmidt, Berkey, Rockefeller, Shin, Prentice, Thibaudeau, Pridemore, Carrell, Kohl-Welles, Regala, Spanel, Fairley, Delvin and Rasmussen)

Revising the powers, duties, and membership of the state board of education and the Washington professional educator standards board and eliminating the academic achievement and accountability commission.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises the powers, duties, and membership of the state board of education and the Washington professional educator standards board and eliminating the academic achievement and accountability commission.

-- 2005 REGULAR SESSION --

Feb 28 EKHE - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
And refer to Ways & Means.

Mar 1 On motion, referred to Rules.

SB 5750-S by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Schoesler, Hargrove, Mulliken and Roach)

Allowing auctioneers to auction vessels without registering as a vessel dealer. Revised for 1st Substitute: Allowing certain auctioneers to auction vessels without registering as a vessel dealer.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that an auction company licensed under chapter 18.11 RCW and licensed as a motor vehicle dealer under chapter 46.70 RCW may sell at auction all vessels that a vessel dealer is authorized to sell, so long as the sale of vessels is incidental to the auction company's primary source of business.

-- 2005 REGULAR SESSION --

Feb 28 LCRD - Majority; 1st substitute bill be substituted, do pass.

Mar 1 Passed to Rules Committee for second reading.

SB 5752-S by Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Prentice, Honeyford and Kohl-Welles)

Concerning funeral services.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises provisions relating to funeral directors and cemeteries.

-- 2005 REGULAR SESSION --

Feb 28 LCRD - Majority; 1st substitute bill be substituted, do pass.

Mar 1 Passed to Rules Committee for second reading.

SB 5759-S by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Weinstein, Schmidt, Prentice, McAuliffe, Rockefeller, Rasmussen and Berkey)

Supporting the state achievers' scholarship program.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that, in order to broaden higher education opportunities, the legislature supports the Washington state achievers' scholarship program. This program: (1) Provides mentoring to ensure academic support is available to students while in high school, encourages college enrollment, and gives assistance when enrolled in college;

- (2) Identifies and reduces financial barriers to college for talented, low-income students; and
- (3) Leverages private funding for higher education financial assistance.

-- 2005 REGULAR SESSION --

Feb 25 EKHE - Majority; 1st substitute bill be substituted, do pass.

And refer to Ways & Means.

Feb 28 On motion, referred to Rules.

SB 5768-S by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Roach, Rockefeller, Esser, Prentice, Weinstein, Kline, Delvin and Rasmussen)

Regarding alternative public works contracting procedures.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Amends RCW 39.10.020 and 39.10.051 relating to alternative public works contracting procedures.

-- 2005 REGULAR SESSION --

Mar 1 GO - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 5798-S by Senate Committee on International Trade & Economic Development (originally sponsored by Senators Parlette, Shin, Jacobsen, Haugen, Finkbeiner, Kohl-Welles, Mulliken and Rasmussen)

Using television advertising to promote tourism in Washington. Revised for 1st Substitute: Implementing a national television advertising campaign to promote tourism in Washington.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides for using television advertising to promote tourism in markets outside of Washington.

Appropriates the sum of one million seven hundred fifty thousand dollars for the fiscal year ending June 30, 2006, from the general fund to the department of community, trade, and economic development for the purposes of this act

Appropriates the sum of one million seven hundred fifty thousand dollars for the fiscal year ending June 30, 2007, from the general fund to the department of community, trade, and economic development for the purposes of this act.

Provides that if there is no appropriation in the 2005-06 operating budget for the purposes of this act, the department of community, trade, and economic development should consider including a television campaign in future tourism promotions.

-- 2005 REGULAR SESSION --

Feb 28 ITED - Majority; 1st substitute bill be substituted, do pass.

Minority; without recommendation.

And refer to Ways & Means.

Mar 1 Referred to Ways & Means.

SB 5806-S by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Rasmussen and Jacobsen)

Requiring child care agencies to provide additional information to parents.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that the purpose of this act is to establish a system, consistent throughout the state, through which parents, guardians, and other persons acting in loco parentis can obtain certain information about child care providers. The purpose of this act is also to require child day-care providers and family day-care providers to carry a minimal level of liability insurance or to give parents notice that they do not carry such insurance.

Provides that every child day-care center and family day-care provider shall prominently post the following items, clearly visible to parents and staff: (1) The license issued under this act;

- (2) The department's toll-free telephone number established by this act; and
- (3) A notice that inspection reports and any notices of enforcement actions for the previous three years are available from the licensee and the department; and
- (4) The notice of any pending enforcement action. The notice must be posted immediately upon receipt. The notice must be posted for at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer.

Requires every child day-care center and family daycare provider to have readily available for review by the department, parents, and the public a copy of each inspection report and notice of enforcement action received by the center or provider from the department for the past three years. This provision only applies to reports and notices received on or after the effective date of this act.

Requires the department to make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers consistent with chapter 42.17 RCW. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

Provides that every licensed child day-care center and family day-care provider shall, at the time of licensure or renewal and at any inspection, provide to the department proof that the licensee has day-care insurance as defined in RCW 48.88.020 or for day-care centers, is self-insured pursuant to chapter 48.90 RCW. Liability limits under this section shall be the same as set forth in RCW 48.88.050.

-- 2005 REGULAR SESSION --

Feb 28 HSC - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

Mar 1 Made eligible to be placed on second reading.

SB 5828-S by Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Eide, McAuliffe and Kohl-Welles)

Regarding digital or online learning.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, under RCW 28A.150.260, the superintendent of public instruction shall revise the definition of a full-time equivalent student to include students who receive instruction through digital or online

programs. Digital or online programs mean electronically delivered learning that occurs primarily away from the classroom. The superintendent of public instruction has the authority to adopt rules to implement the revised definition beginning with the 2005-2007 biennium.

-- 2005 REGULAR SESSION --

Feb 28 EKHE - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

Mar 1 Placed on second reading by Rules Committee.

SB 5834-S by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove and Kohl-Welles)

Requiring a study of juvenile offender case filings. Revised for 1st Substitute: Ordering a study of juvenile offender case filings.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires the joint legislative audit and review committee to study the rates of juvenile offender case filings in counties across the state and focus on factors that may contribute to the difference in filing rates. The study shall contemplate data compiled over the past ten years in at least the following areas: (1) Referrals to the juvenile justice system;

- (2) Arrest rates;
- (3) Incarceration rates;
- (4) Differences in risk assessment tools used over time and across geographical areas;
- (5) Rates at which moderate and high-risk juvenile offenders are receiving delivery of programs which meet the Washington state institute for public policy's effectiveness standards for juvenile accountability programs, such as aggression replacement therapy, functional family therapy, and multisystemic therapy;
 - (6) Recidivism rates;
- (7) Implementation of local laws focusing on juvenile offenders;
- (8) Funding levels and sources of funding for programs directed at juvenile offenders;
 - (9) Demographic factors;
- (10) Changes in the handling of cases involving juvenile offenders after implementation of the Becca bills; and
- (11) The effects of the establishment of juvenile drug courts and treatment courts.

Requires the joint legislative audit and review committee to report its findings under this act to appropriate committees of the legislature by December 1, 2005.

Expires January 1, 2006.

-- 2005 REGULAR SESSION --

Feb 28 HSC - Majority; 1st substitute bill be substituted, do pass.
On motion, referred to Ways & Means.

SB 5845-S by Senate Committee on Ways & Means (originally sponsored by Senator Pridemore; by request of Department of Revenue)

Clarifying property tax provisions. Revised for 1st Substitute: Making clarifying changes to property tax statutes.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Makes clarifying changes to property tax statutes. Repeals RCW 84.55.012 and 84.55.0121.

-- 2005 REGULAR SESSION --

- Mar 1 WM Majority; 1st substitute bill be substituted, do pass.
- Mar 2 Passed to Rules Committee for second reading.

SB 5863-S by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Zarelli and Shin; by request of Department of Revenue)

Improving consistency among tax incentives enacted during the 2003-2005 biennium.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Encourages consistency among tax incentives enacted during the 2003-2005 biennium.

-- 2005 REGULAR SESSION --

- Mar 1 WM Majority; 1st substitute bill be substituted, do pass.
- Mar 2 Passed to Rules Committee for second reading.

SB 5872-S by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Carrell, Mulliken, Deccio, Finkbeiner, Delvin, Benson, Johnson, Oke, Hewitt and Schmidt)

Creating the department of family and children's services. Revised for 1st Substitute: Requiring findings and recommendations regarding a department of family and children's services.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Establishes a seven-member task force to determine the actual structure for the new department of family and children's services.

Declares that the fundamental focus of the task force will be to: (1) Determine how best to structure a department of family and children's services in Washington to achieve a seamless process that protects the safety of children; helps troubled families safely parent their children and finds safe, stable, and permanent families for children when a return to family is not possible; protects the community; reduces and prevents juvenile crime; and considers the mental health needs and substance and chemical dependency needs of both the parents and/or the children; and

(2) Determine how much it would cost and any statutory changes that would be necessary.

Requires the first meeting of the task force to be no later than June 1, 2005, with subsequent meetings as needed. The task force may consult with others as needed.

Provides that the interim report with part one of the findings and recommendations shall be submitted to appropriate committees of the legislature by March 1, 2006.

Provides that the final report with part two of the findings and recommendations shall be submitted to appropriate committees of the legislature by November 1, 2006, containing findings and recommendations that describe: (1) The cost of the new department;

(2) Changes in state law that will be required; and

(3) Cost efficiencies and savings and reductions in other services.

-- 2005 REGULAR SESSION --

Feb 28 HSC - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

Mar 1 Made eligible to be placed on second reading.

SB 5873-S by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Regala, Carrell, Mulliken, Schmidt, Zarelli, Deccio, Benson, McCaslin, Delvin, Brandland, Johnson, Hewitt, Kohl-Welles and Pflug)

Revising the duties of the family and children's ombudsman.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires the ombudsman to investigate individual casework of randomly chosen caseload-carrying child protective services and child welfare services employees of the department of social and health services throughout the state. Casework reviewed must be from any currently open cases and cases closed within the last year.

Requires the assessment to address employee compliance with the following: (1) Employee training;

- (2) Department policies and procedures;
- (3) State and federal law;
- (4) Safety and risk assessment; and
- (5) Case investigation.

Requires the ombudsman to assess supervisors of caseload-carrying child protective services and child welfare services employees of the department for compliance with: (1) Employee training requirements;

- (2) Department policies and procedures;
- (3) State and federal law;
- (4) Critical thinking and clinical analysis;
- (5) Availability to and communication with staff; and
- (6) Accountability.

-- 2005 REGULAR SESSION --

Feb 28 HSC - Majority; 1st substitute bill be substituted, do pass.
On motion, referred to Ways & Means.

SB 5899-S by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Brandland and Rasmussen)

Changing provisions relating to background checks.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises provisions relating to background checks. Repeals RCW 43.43.835.

-- 2005 REGULAR SESSION --

Feb 28 HSC - Majority; 1st substitute bill be substituted, do pass.

Mar 1 Passed to Rules Committee for second reading.

SB 5963-S

by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Rasmussen, Schoesler, Shin and Delvin)

Creating a task force to study livestock information security.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that there is a new national emphasis on the development of mechanisms for tracking the origin of the food supply for food safety and homeland security purposes. Systems are being developed for the registration of livestock premises and identification of livestock for disease traceback and trace-forward purposes for protection of human and livestock health. In addition, there are requirements for increased reporting and for preparation of detailed farm plans for livestock operations for protection of state waters.

Finds that successful implementation of each of these systems will require submission to public agencies of significant information from livestock operations that had previously been deemed to be solely private information.

Finds that while pursuing one set of public policy objectives, care needs to be given to ensure that another set of public policy objectives are not unduly compromised.

Requires that, by December 15, 2005, the task force shall provide an interim report of its recommendations, including draft legislation to implement the recommendations, regarding documents produced to implement the livestock nutrient management program. By December 15, 2006, the task force shall provide a final report of its recommendations, including draft legislation to implement the recommendations, regarding documents produced to implement the livestock disease trace-forward and trace-back system. The reports shall be submitted to the chief clerk of the house of representatives and the secretary of the senate.

Expires June 30, 2007.

-- 2005 REGULAR SESSION --

Mar 1 ARED - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 5995-S by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

Recognizing a parent's preference in the placement of a child in shelter care.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Recognizes a parent's preference in the placement of a child in shelter care.

-- 2005 REGULAR SESSION --

Feb 28 HSC - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 6072 by Senators Brandland and Mulliken

Providing for omnibus civil liability reform.

Provides for omnibus civil liability reform.

Directs the department of health to develop, in consultation with the department of revenue, a program to provide business and occupation tax credits for physicians who serve uninsured, medicare, and medicaid patients in a private practice or a reduced fee access program for the uninsured and shall submit proposed legislation to the legislature by December 15, 2005.

-- 2005 REGULAR SESSION --

Mar 2 First reading, referred to Judiciary.

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